

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

JEREMY RODRIGUEZ-ORTEGA, and  
JOSHUA RODRIGUEZ,

Plaintiffs,

v.

No. 1:21-cv-01129-JCH-KK

DAVID RICH, KENNETH LUCERO,  
in their official and individual capacities,  
L. TERESA PADILLA, in her individual capacity,  
and NEW MEXICO DEPARTMENT OF HEALTH,

Defendants.

**DEFENDANT L. TERESA PADILLA'S FIRST SET OF INTERROGATORIES AND  
FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO PLAINTIFF  
JOSHUA RODRIGUEZ**

TO: Joshua Rodriguez  
c/o Heather Burke  
1000 Cordova Place #24  
Santa Fe, NM 87505  
heather@burkelaw.com

Defendant L. Teresa Padilla, through its attorneys of record, Conklin, Woodcock & Ziegler, P.C. (Carol Dominguez Shay and Philip Huntman), requests that Plaintiff Joshua Rodriguez ("Plaintiff," or "you") answer the following Interrogatories and Requests for Production of Documents propounded by Ms. Padilla separately, fully, in writing, and under oath, based upon the facts or information available to you or your agents within thirty (30) days, pursuant to the Federal Rules of Civil Procedure.

**DEFINITIONS**

The term "document" or "documents" is intended to be comprehensive, and includes, but is not limited to, originals, photocopies or other reproductions of:

local governments, governmental agencies, political subdivisions, partnerships, groups, associations and other businesses, professional or public organizations.

To “identify” a document, or state the “identity of” a document, shall mean to state with respect thereto:

- (a) The identity of the person who prepared it;
- (b) The identity of the person who signed it, or over whose signature it was or is issued;
- (c) The identity of each person to whom it was addressed or distributed;
- (d) The nature and substance of the document with sufficient particularity to enable it to be identified;
- (e) The date, if any, which the document bears; and,
- (f) The present location of the document, including the identity of its custodian or custodians; or in lieu thereof, attach a copy of said document to your response to these Interrogatories.

To “identify,” or state the “identity of,” a person shall mean to state with respect thereto:

- (a) The person’s full name;
- (b) The person’s title and business or professional affiliation, if any, as of the time to which the answer relates; and,
- (c) The person’s present title and business or residential addresses and telephone numbers.

### **INTERROGATORIES**

**INTERROGATORY NO. 1:** Please provide the names, addresses and telephone numbers of all persons who assisted in answering this set of Interrogatories and identify the specific Interrogatories that each person assisted in answering.

**ANSWER:**

**INTERROGATORY NO. 2:** Please identify each person who has knowledge of sexual harassment claim against you and the subsequent investigation of the same by the New Mexico Department of Health (“NMDOH”), your employer. Include in your answer their name, address, telephone number, relationship to you, the extent of each person’s knowledge, what communications you had with each, and if the person is or has ever been an employee of DOH.

**ANSWER:**

**INTERROGATORY NO. 3:** Please identify each person who has knowledge of your application and hiring with the New Mexico Department of Health and any subsequent complaints about that process you asserted as alleged in your Amended Complaint. Include in your answer their name, address, telephone number, relationship to you, the extent of each person’s knowledge, what communications you had with each, and if the person is or has ever been an employee of DOH.

**ANSWER:**

**INTERROGATORY NO. 4:** If at any time since May 20, 2020 you have been unable to work because of injury, illness or disability, identify the dates you could not work, identify the person(s) who treated or evaluated you, and produce all documents relating to such condition(s), treatment(s), or evaluation(s).

**ANSWER:**

**INTERROGATORY NO. 5:** State the total amount of the damages you are claiming or seeking in this action from DOH. Explain in detail how you arrived at the figures for the damages claimed by identifying each item or element of damages comprising the total amount.

**ANSWER:**

**INTERROGATORY NO. 6:** State the total amount of income you have earned or otherwise received, including wages, salaries, bonuses, insurance benefits, short or long-term disability benefits, unemployment compensation, workers' compensation, social security or other income, payments, revenue or remuneration of any kind received from any and all sources (other than DOH) from May 19, 2020 to the present. Include in your answer:

- (a) the organization(s) or entity providing the benefits or income;
- (b) the nature of such income; and,
- (c) the date(s) you received such income.

**ANSWER:**

**INTERROGATORY NO. 7:** Provide the following information regarding your employment (other than with NMDOH)<sup>1</sup> including self-employment history from May 19, 2020 until the present.

- (a) identify each and every one of your employers or describe the self-employment, include the name, address and telephone number and dates of employment;
- (b) for each such employment, identify your immediate supervisor(s);
- (c) for each such employment, describe your duties and responsibilities;

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<sup>1</sup> This request seeks information regarding all employment, whether it was full or part time or under contract or any other type of arrangement. Self-employment includes not only a situation where you actually performed work, but also those situations where you may have been a partner, owner or co-owner of a business or other venture which was intended to generate income, whether or not it in fact did.

- (d) for each such employment, state the rates of pay, wages or salaries received, the nature and amount of bonuses, prizes and any other form of compensation other than wages or salary received from each employer or from self-employment;
- (e) for each such employment, fully summarize all benefits plans provided by the employer and for which you were eligible; and,
- (f) for each such employment, state the reason why the employment terminated.

[An authorization for the release of employment records/personnel records is attached to Ms. Padilla's Requests for Production of Documents, below.]

**ANSWER:**

**INTERROGATORY NO. 8:** Please list all positions for which you have applied for employment or work you have sought through self-employment from May 19, 2020, to the present (other than NMDOH). [The terms "applied" and "application" include, but are not limited to, the submission of a letter, resume, application form, or any other verbal or written communication by which you sought specific employment.] In your answer, please provide the following information:

- (a) the date and form of each such application;
- (b) to whom each such application was made (include name, address and telephone number of the person and entity);
- (c) the source of the information regarding each such position (i.e., newspaper advertisement, employment agency, headhunter, specific person(s), etc.);
- (d) the title/job description for each such position, and the salary range, commissions, bonuses and benefits for each such position; and,
- (e) identify each position for which you received an offer of employment, including the date and terms of each such offer; and for each, describe your reasons for declining any such offers of employment or the reasons communicated to you as to why you were not hired.

**ANSWER:**

**INTERROGATORY NO. 9:** If you have not been continuously employed (including self-employment) on a full-time basis since May 19, 2020 give the inclusive dates for all periods of time during which you have not been employed on a full-time basis and state in detail what you did and why you did not work during each such period of unemployment.

**ANSWER:**

**INTERROGATORY NO. 10:** State the following information about your educational and vocational training background:

- (a) Every academic institution attended, i.e. School/College/University;
- (b) Dates of attendance;
- (c) GPA; and
- (d) Coursework completed and/or degree obtained.
- (e) Any vocational courses, licenses and/or certificates

**ANSWER:**

**INTERROGATORY NO. 11:** List the name, address, official title, if any, and other identification of all witnesses who are contemplated, may, or will be called upon to testify in support of your claim in this action, indicate the nature and substance of the testimony which is expected will be given by each such witness, and if any such prospective witnesses are related to you, state the relationship. For any expert witnesses you list, also list their credentials.

**ANSWER:**

**INTERROGATORY NO. 12:** Please identify all internet social media and networking websites, applications, and/or accounts that you have used and/or maintained for the time period of May 19, 2017 to the present (including, but not limited to, Facebook, Twitter, Instagram,

Foursquare, YouTube, Pinterest, Google+, Tumblr, Flickr, Skype, FaceTime, TikTok, Vine, Shutterfly, and the like) and for each item identified, please state all usernames and passwords you have used to access each.

**ANSWER:**

**INTERROGATORY NO. 13:** Please identify your residential address(s) from May 1, 2020 to the present, and the name of any person (residing with you at your current residence and state each person's relationship with you.

**ANSWER:**

**INTERROGATORY NO. 14:** Please identify the accuser in paragraph 219 of your Complaint.

**ANSWER:**

**INTERROGATORY NO. 15:** Please identify the witness in paragraph 220 of your Complaint.

**ANSWER:**

**REQUESTS FOR PRODUCTION OF DOCUMENTS**

**REQUEST NO. 1:** All documents (see above definition) which were utilized, referred to, or identified by you in answering Ms. Padilla's First Set of Interrogatories.

**RESPONSE:**

**REQUEST NO. 2:** All documents (see above definition) which you contemplate, or could reasonably contemplate, using as exhibits or otherwise at any hearing or trial in support of any claim or to refute any defense in this lawsuit.

**RESPONSE:**

**REQUEST NO. 3:** All documents (see above definition) referring to, discussing, or in any way relating to the allegations of retaliation as stated in your Complaint or that you believe are related to the above-captioned lawsuit.

**RESPONSE:**

**REQUEST NO. 4:** All documents (see above definition) which support, or provide evidence of, or relate to any of your claims for damages as alleged in your Complaint.

**RESPONSE:**

**REQUEST NO. 5:** Copies of your Federal and State income tax returns, including all schedules, W-2s and 1099s, from 2020 through the present.

**RESPONSE:**

**REQUEST NO. 6:** All documents in your possession or control (see above definition; this includes e-mails and text messages) sent to or received from any present or former NMDOH or New Mexico State Personnel Office (“NMSPO”) employee since June 1, 2020 to the present.

**RESPONSE:**

**REQUEST NO. 7:** All documents (see above definition) relating to or reflecting all income, benefits, or moneys received by you from any and all sources (other than NMDOH) from May 19, 2020 to the present, including but not limited to, checks or pay stubs, receipts, earnings

records, correspondence, and any other documents reflecting any remuneration for work performed by you.

**RESPONSE:**

**REQUEST NO. 8:** All documents (see above definition) relating to any attempts by you to obtain employment or contract work, including any, applications for employment or contract work, which includes self-employment work from June 1, 2020, to the present (other than from NMDOH) and any document relating to the reasons you were not hired for any positions.

**RESPONSE:**

**REQUEST NO. 9:** For any and all employment (including self-employment) you have had since June 1, 2020 (other than NMDOH), please provide copies of all documents relating to any remuneration, wages and/or benefits provided or available to you (including but not limited to life insurance, long-term disability, short-term disability, health, medical, retirement or any other employment benefits) and for which you are, were, or could have potentially qualified or may qualify for in the future.

**RESPONSE:**

**REQUEST NO. 10:** All documents (see above definition) sent to or received from any expert retained by you to testify.

**RESPONSE:**

**REQUEST NO. 11:** All documents (see above definition; this includes e-mails and text messages) sent to or received from any individual other than your attorney that relate to the allegations in this Lawsuit.

**RESPONSE:**

**REQUEST NO. 12:** All documents (see the above definition) received or sent by you, your agents or representatives to the New Mexico State Personnel Office from June 1, 2018 to the present.

**RESPONSE:**

**REQUEST NO. 13:** Any recordings of NMDOH or NMSPO employees.

**RESPONSE:**

**REQUEST NO. 14:** Please sign and return with your responses the Authorization for Release of Employment/Personnel Records, and the Authorization to Release Scholastic/Academic Records.

**RESPONSE:**

Respectfully submitted,

CONKLIN, WOODCOCK & ZIEGLER, P.C.

By: /s/ Philip Huntman  
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